



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8ARD-PM

Darla Potter
Air Quality Resource Program Manager
Air Quality Division
Wyoming Department of Environmental Quality
200 West 17th Street
Cheyenne, Wyoming 82002

Re: Wyoming Department of Environmental Quality (WDEQ) Exceptional Event Initial Notification for 2017 High Winds dated June 10, 2019

Dear Ms. Potter:

This letter is in response to your exceptional event initial notification dated June 10, 2019 (Initial Notification), submitted by the WDEQ – Air Quality Division (AQD) which requested that the Administrator make the determination under 40 CFR 50.14 (a)(1)(F) that the EPA will agree to review exceptional event demonstrations for potential high wind exceptional events. The initial notification covers high wind dust PM₁₀ potential exceptional event exceedances recorded at Ciner Wyoming on June 9, October 20 and November 1, 2017, and at Haystack Coal Company on October 7 and November 1, 2017.

In 2016, the EPA adopted revisions to the “Treatment of Data Influenced by Exceptional Events; Final Rule” (81 Fed. Reg. 68216). The Rule modified the previous process for exclusion of air quality data related to exceedances or violations of any National Ambient Air Quality Standards (NAAQS) from regulatory decisions by the EPA. The Rule, codified at 40 CFR 50.14(a)(1)(i), provides that a state may request that the EPA exclude data showing exceedances or violations of any NAAQS due to exceptional events when those events impact data that will be used for one or more of the following EPA actions:

- A. An action to designate an area, pursuant to Clean Air Act section 107(d)(1), or redesignate an area, pursuant to Clean Air Act section 107(d)(3), for a particular national ambient air quality standard;
- B. The assignment or re-assignment of a classification category to a nonattainment area where such classification is based on a comparison of pollutant design values, calculated according to the specific data handling procedures in 40 CFR part 50 for each national ambient air quality standard, to the level of the relevant national ambient air quality standard;
- C. A determination regarding whether a nonattainment area has attained the level of the appropriate national ambient air quality standard by its specified deadline;

- D. A determination that an area has data for the specific NAAQS, which qualify the area for an attainment date extension under the CAA provisions for the applicable pollutant;
- E. A determination under CAA section 110(k)(5), if based on an area violating a national ambient air quality standard, that the state implementation is inadequate under the requirements of Clean Air Act section 110; and
- F. Other actions on a case-by-case basis as determined by the Administrator.

When a state demonstrates to the EPA that “an exceptional event caused a specific air pollution concentration at a particular air quality monitoring location and otherwise satisfies the requirements of this section,” then the EPA “shall exclude data from use in determinations of exceedances and violations” identified in the above list. WDEQ/AQD’s Initial Notification outlined how the potential exceptional event may impact data and regulatory actions and requested that the EPA agree to review the event under provision (F); and therefore, if shown to be caused by an exceptional event, the data should be excluded from use in determinations of exceedances and violations.

The EPA understands that WDEQ considers these potential exceptional events to be of regulatory significance because of the WDEQ’s reliance on the data to determine compliance with ambient standards, the use of ambient data in WDEQ’s permitting processes, and third party interests.¹ At this time, the EPA has not identified and does not anticipate using the flagged data in any pending EPA regulatory determination, to formulate or support regulation, guidance, or in any other pending EPA decision, position or action; and therefore, does not plan to further review these events for concurrence.²

The EPA notes that WDEQ has already released demonstrations for the flagged data for public comment. We recommend that WDEQ/AQD postpone the submission of demonstrations for these potential exceptional event exceedances until such time as the EPA determines that it may use the data for any of the actions listed under provisions (A) through (E) above or in any other EPA regulatory determination under provision (F).

The EPA agrees that prior to using the flagged data in a regulatory determination or to formulate or support regulation, guidance or any other pending EPA decision, position or action (unless the use of the flagged data is scientifically relevant and appropriate), the EPA Region 8 Office commits to notify and provide WDEQ/AQD with an opportunity to submit formal exceptional event concurrence requests and demonstrations. The EPA will review and make a determination regarding these potential exceptional

¹ The EPA acknowledges that because other state or federal agencies, or third parties, may access and utilize data from the EPA’s Air Quality System (AQS) it is important to flag the data.

² The EPA evaluated wind speeds from the impacted days at Ciner Wyoming and the Haystack Coal Company. Peak sustained wind speeds on impacted days ranged from 25.4 to 47.4 miles per hour (mph). Those sustained wind speeds at times equal or exceed the high wind dust event threshold of 25 mph set forth in 40 CFR 50.14(b)(5)(iii) and are consistent with historical high wind exceptional events in Wyoming. Therefore, the EPA agrees that it is very likely that these high winds caused or contributed to the monitored PM₁₀ NAAQS exceedances at the impacted monitors on June 9, October 7, October 20 and November 1, 2017. However, a concurrence decision also requires a demonstration that satisfies the requirements in 40 CFR 50.14(c)(3) showing that possible contributing source(s) implemented reasonable controls on that date.

event exceedances under the requirements of the 2016 Final Rule “Treatment of Data Influenced by Exceptional Events.” (81 Fed. Reg. 68216).

In the meantime, to assist the EPA in assuring that it will not use the data until WDEQ/AQD has had an opportunity to submit a formal exceptional event concurrence request and demonstration, the EPA understands the WDEQ/AQD may change the data flag in the EPA’s Air Quality System (AQS) from an “i” flag to an “r” flag, and may change the AQD’s short description to acknowledge this EPA response to WDEQ/AQD’s notification.³ It is also the EPA’s understanding that WDEQ/AQD will distribute this EPA response to impacted industrial entities.

We are committed to continuing to work with the WDEQ on exceptional events within Wyoming. If you have questions, please feel free to contact me at (303) 312-6416, or for technical questions, you may contact Richard Payton, of my staff, at (303) 312-6439.

Sincerely,

7/3/2019

X Carl Daly

Signed by: CARL DALY

Carl Daly
Acting Director
Air and Radiation Division

³ Because the EPA recommends that the WDEQ/AQD postpone the submission of demonstrations for this exceedance, this flag change does not trigger any additional requirements for the WDEQ/AQD until such time as the EPA determines that it may use the data for any of the actions listed under provisions (A) through (E) above, in any other EPA regulatory determination under provision (F) or to formulate or support regulation, guidance, or any other pending EPA decision, position or action (unless the use of the flagged data is scientifically relevant and appropriate).